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FEDERAL COMMUNICATIONS COMMISSION  
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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

In the Matter of:

Amendment of the Commission's Rules  
To Permit Flexible Service Offerings  
in the Commercial Mobile Radio Services

WT Docket No. 96-6

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COMMENTS OF 360° COMMUNICATIONS COMPANY

360° Communications Company (360), formerly known as Sprint Cellular Company, hereby respectfully submits its comments on the proposal of expanding the definition and permitted offering of fixed wireless local loop service pursuant to the Notice of Proposed Rulemaking (NPRM) released January 25, 1996 (WT Docket No. 96-6).<sup>1</sup>

In the NPRM, the Commission proposes that Commercial Mobile Radio Service (CMRS) providers be authorized to offer fixed wireless local loop service. The Commission seeks comment on expanding the definition of permitted fixed services, its application to CMRS providers and the regulatory treatment of such services.

I. GENERAL COMMENTS

360 applauds the Commission for initiating this NPRM. By allowing all fixed services to be offered by all CMRS providers, additional barriers to competition in the local exchange service arena will be removed and consumers will benefit from new technology and services at competitive rates. In addition, undue regulatory burdens and uncertainty will be eliminated, thus contributing to the faster deployment of new services to the public.

<sup>1</sup> Notice of Proposed Rulemaking (NPRM) Amendment of the Commission's Rules To Permit Flexible Service Offerings in the Commercial Mobile Radio Services, WT Docket No. 96-6, Released January 25, 1996, FCC 96-17.

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II. ALL CMRS PROVIDERS SHOULD BE ALLOWED TO PROVIDE ALL TYPES OF FIXED SERVICES

360 supports the proposal to change existing rules to allow all CMRS providers to offer all types of fixed wireless services. This policy should apply to all CMRS providers equally. The Omnibus Budget Reconciliation Act of 1993 established that all CMRS providers should be treated the same in order to ensure fair and vigorous competition in the marketplace. The Commission has consistently adhered to this principle in its subsequent actions, and should continue that practice in this proceeding.

In addition, 360 believes that the definition of fixed services should be broad enough to encompass all types of fixed wireless services. Existing rules allow only certain types of fixed services to be offered without obtaining a waiver from the Commission. By broadening the definition to include all fixed services without restriction, the Commission will eliminate regulatory burdens, avoid carrier uncertainty with regard to which fixed services are permitted versus which require regulatory approval, as well as enable CMRS providers to offer consumers a “menu” of services at competitive prices.

III. THE COMMISSION SHOULD TREAT FIXED SERVICES THE SAME AS IT TREATS OTHER CMRS SERVICES

In order to promote its goal of establishing regulatory symmetry among mobile services, 360 strongly concurs with the Commission’s proposal to “...treat fixed wireless local loop services as an integral part of the CMRS services offered by a CMRS provider, so long as the carrier otherwise offers interconnected, for-profit mobile service to the public on licensed CMRS spectrum as provided by the Communications Act.”<sup>2</sup> Treating fixed services as such will give CMRS providers greater certainty in deploying new services, promote the Commission’s goals of regulatory parity and eliminate regulatory burdens.

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<sup>2</sup> Id. at ¶ 20.

IV. ISSUES RELATING TO UNIVERSAL SERVICE SHOULD BE ADDRESSED IN THE SEPARATE UNIVERSAL SERVICE PROCEEDING

360 supports the goals of universal service and agrees that all telecommunications providers should contribute in order to ensure there are no competitive advantages for non-participants; however, such support is premised on the ability of all eligible carriers, including CMRS providers, to be eligible to receive universal service funds to the extent they provide services that satisfy the applicable requirements.

In addition, 360 feels that funds must be targeted to ensure customer needs are met, and not provided as mere company subsidies. 360 agrees with the Commission that universal service should be addressed in the separate universal service proceeding rather than in this proceeding.

V. CONCLUSION

By allowing all fixed services to be offered by all CMRS providers, the Commission will be taking the necessary and appropriate steps towards its goal of increasing competition among wireless providers as well as promoting competition between wireless and wireline services. Such increased competition will bring new services and competitive prices to consumers. 360 believes that the positions stated herein further these goals and, therefore, requests that the Commission move expeditiously to adopt policies implementing these comments.

Respectfully submitted,

360° COMMUNICATIONS COMPANY

By 

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